

MEMO ENDORSED**HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE**

Dated: 3/21/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKMOHAMED JOHN AKHTAR and LA BUCA
RESTAURANT, INC. d/b/a SWING 46 JAZZ
AND SUPPER CLUB,

Plaintiffs

-against-

ERIC M. EISENBERG and JOHN AND JANE
DOES ONE THROUGH THIRTY,

Defendants

The Clerk of Court is directed to permanently seal ECF No. 125. Plaintiff is directed to file a redacted version of the document, redacting Defendant's date of birth on page 51 by **April 1, 2025**. The Clerk of Court is respectfully directed to terminate the gavel at ECF No. 155.

23-CV-6585 (JGLC) (VF)

**ERIC M. EISENBERG'S LETTER MOTION TO SEAL IMPROPERLY FILED
DOCUMENT CONTAINING INFORMATION REQUIRING REDACTION (D.I. 125)**

Dear Magistrate Judge Figueredo,

I write to request, along with such other relief that the Court may deem just and proper, that the court seal Docket Item 125, which was filed by Plaintiffs on February 18, 2025. Plaintiffs, at page 51 of 63 of the document, failed to redact birth date information that they were required by the Federal Rules to redact from publicly accessible documents. Fed.R.Civ.P. 5.2(a) ("Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's . . . birth date . . . a party or nonparty making the filing may include only: . . . (2) the year of the individual's birth.")

It is not clear to me why Plaintiffs' attorney felt the need to file extremely similar (albeit not in all cases identical) documents three times (at D.I. 125, 126 and 129). I apologize to the Court for not realizing sooner that D.I. 125 suffered from the same issue as D.I. 126 and 129.

In email correspondence with Plaintiffs' attorney, Plaintiffs' attorney had promised to review his file and arrange for redaction in both this Court and in the Second Circuit appeal, to the extent he had filed documents containing the birth date. However, despite repeated requests from the undersigned, Plaintiffs' counsel has still not provided any date by which he would finish his review. Today, I learned that Plaintiffs' counsel does not maintain a workable case file where he appropriately tracks his filed documents. *See* D.I. 151 and 153. Accordingly, it became necessary for me to actively review his filings myself, a process which has and will take me significant time and expense (in terms of PACER fees) to do thoroughly.

In addition, it has come to my attention that certain of Plaintiffs' improperly unredacted filings (at least D.I. 125, D.I. 126) have been mirrored at www.courtlistener.com (specifically, at

https://www.courtlistener.com/docket/67646458/akhtar-v-aggarwala/?order_by=desc). Accordingly, I ask this Court to require Plaintiffs to, by a date certain, arrange with the Court Listener website to have these docket entries, which contain the unlawfully-included birth date information, removed.

Your prompt attention to this matter is greatly appreciated, in light of the ongoing risk to my privacy occasioned by Plaintiffs' repeated rules violation.

Dated (and executed in):
March 20, 2025 (Miami, Florida)

Respectfully submitted,

s/ *Eric Eisenberg*
ERIC M. EISENBERG
(646) 801-6705
1300 South Miami Avenue
Unit 1408
Miami, FL 33130
ericeis@gmail.com

cc: all parties on ECF